

Gambling Act 2005

The items shown below have been taken for the above act. However certain changes have been made to it to assist the reader and are issued as Guidance Notes only. In cases of doubt reference should be made to the act itself.

A non-commercial society is: -

- (1) For the purposes of this Act a society is non-commercial if it is established and conducted—
 - (a) for charitable purposes,
 - (b) for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity, or
 - (c) for any other non-commercial purpose other than that of private gain.
- (2) In subsection (1) “charitable purposes” means—
 - (a) in relation to England and Wales, purposes which are exclusively charitable according to the law of England and Wales, and
 - (b) in relation to Scotland, purposes which are charitable purposes only (that expression having the same meaning as in the Income Tax Acts).
- (3) The provision of a benefit to one or more individuals is not a provision for the purpose of private gain for the purposes of this Act if made in the course of the activities of a society that is a non-commercial society by virtue of subsection (1)(a) or (b).

Small Society Lotteries

- (1) A lottery is exempt if from the requirement of an operators licence —
 - (a) it is promoted wholly on behalf of a non-commercial society (“the promoting society”),
 - (b) it is a small lottery, and
 - (c) the other conditions of a small society lottery specified are satisfied.
- (2) A lottery promoted wholly on behalf of a non-commercial society is referred to as a small society lottery.

Small or Large Lottery

- (1) A society lottery is a small lottery unless it is a large lottery by virtue of any of sub-paragraphs (2) to (5).
- (2) A society lottery is a large lottery if the arrangements for it are such that its proceeds may exceed £20,000.
- (3) A society lottery is a large lottery if it is promoted wholly or partly at a time in a calendar year at which the aggregate of the promoting society’s proceeds from society lotteries promoted wholly or partly during that year exceeds £250,000.
- (4) A society lottery is a large lottery if the arrangements for it are such that (disregarding any other society lottery the sale of tickets for which is not concluded) it may during its promotion become a large lottery by virtue of sub-paragraph (3).
- (5) If a society promotes a lottery that is a large society lottery by virtue of sub-paragraph (2), (3) or (4) (“the first lottery”), any other society lottery promoted by that society is a large lottery if it is wholly or partly promoted—
 - (a) after the beginning of the promotion of the first lottery and in a calendar year during which the first lottery is wholly or partly promoted, or
 - (b) in any of the three calendar years successively following the last calendar year during which the first lottery was wholly or partly promoted.

Purpose of lottery

A small society lottery may be promoted for any of the purposes for which the promoting society is conducted.

Minimum distribution for fund-raising purpose

The arrangements for a small society lottery must ensure that at least 20% of the proceeds of the lottery are applied to a purpose for which the society is conducted.

Maximum prize

It must not be possible for the purchaser of a ticket in a small society lottery to win by virtue of that ticket (whether in money, money’s worth, or partly the one and partly the other) more than £25,000.

Rollover

- (1) The arrangements for a small society lottery may include a rollover only if each other lottery which may be affected by the rollover is a small society lottery promoted by or on behalf of the same society.
- (2) The maximum prize condition still applies

Tickets

- (1) Where a person purchases a lottery ticket in a small society lottery he must receive a document which—
 - (a) identifies the promoting society,
 - (b) states the price of the ticket,
 - (c) states the name and an address of—
 - (i) a member of the society who is designated, by persons acting on behalf of the society, as having responsibility within the society for the promotion of the lottery, or
 - (ii) if there is one, the external lottery manager, and
 - (d) either—
 - (i) states the date of the draw (or each draw) in the lottery, or
 - (ii) enables the date of the draw (or each draw) in the lottery to be determined.
- (2) For the purpose of sub-paragraph (1) a reference to a person receiving a document includes, in particular, a reference to a message being sent or displayed to him electronically in a manner which enables him to—
 - (a) retain the message electronically, or
 - (b) print it.

Price

- (1) The price payable for each ticket in a small society lottery—
 - (a) must be the same, and
 - (b) must be paid to the promoter of the lottery before any person is given the ticket or any right in respect of membership of the class among whom prizes are to be allocated.
- (2) Membership of the class among whom prizes in a small society lottery are allocated may not be dependent on making any payment (apart from payment of the price of a ticket).

Registration

The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a local authority.

Filing of records

- (1) The promoting society of a small society lottery must send to the local authority with which the society is registered a statement of the matters specified in sub-paragraph (2).
- (2) Those matters are—
 - (a) the arrangements for the lottery (including the dates on which tickets were available for sale or supply, the dates of any draw and the arrangements for prizes (including any rollover),
 - (b) the proceeds of the lottery,
 - (c) the amounts deducted by the promoters of the lottery in respect of the provision of prizes (including the provision of prizes in accordance with any rollover),
 - (d) the amounts deducted by the promoters of the lottery in respect of other costs incurred in organising the lottery,
 - (e) any amount applied to a purpose for which the promoting society is conducted, and
 - (f) whether any expenses in connection with the lottery were defrayed otherwise than by deduction from proceeds, and, if they were—
 - (i) the amount of the expenses, and
 - (ii) the sources from which they were defrayed.
- (3) The statement must be sent to the local authority during the period of three months beginning with the day on which the draw (or the last draw) in the lottery takes place.
- (4) The statement must be—
 - (a) signed by two members of the society who are appointed for the purpose in writing by the society or, if it has one, its governing body, and
 - (b) accompanied by a copy of the appointment under paragraph (a).
- (5) A member signing a statement in accordance with sub-paragraph (4) must be an adult.

Revocation

- (1) A local authority may revoke a registration if they think that they would be obliged or permitted to refuse an application for the registration were it being made anew.
- (2) Where a local authority revoke a registration they shall specify that the revocation takes effect—
 - (a) immediately, or
 - (b) at the end of such period, beginning with the day of the revocation and not exceeding two months, as they may specify.
- (3) A local authority may not revoke a registration unless they have given the registered society an opportunity to make representations.

Appeal

- (1) If a local authority refuse or revoke registration—
 - (a) the authority shall notify the applicant society or the formerly registered society as soon as is reasonably practicable, and
 - (b) the society may appeal to a magistrates' court.
- (2) An appeal under this paragraph must be instituted—
 - (a) in a magistrates' court for a local justice area which is wholly or partly within the area of the local authority against whose decision the appeal is brought,
 - (b) by notice of appeal given to the designated officer, and
 - (c) in the period of 21 days beginning with the day on which the society is notified of the refusal or revocation of registration, and
- (3) On an appeal under this paragraph a magistrates' court may—
 - (a) affirm the local authority's decision;
 - (b) reverse the local authority's decision;
 - (c) make any other order (which may include transitional provision).

Cancellation

A registered society may apply in writing to the registering authority for the registration to be cancelled.

- As soon as is reasonably practicable after receipt of such an application a local authority shall—
- (a) cancel the registration,
 - (b) notify the formerly registered society of the cancellation, and
 - (c) notify the Commission of the cancellation.

Annual fee

- (1) A registered society shall pay an annual fee to the registering local authority.
- (2) An annual fee—
 - (a) shall be paid within such period before each anniversary of the registration as may be prescribed, and
 - (b) shall be of the prescribed amount.
- (3) If a registered society fails to comply with this paragraph the registering authority may cancel the society's registration.
- (4) If a local authority cancel a registration under sub-paragraph (3) the authority shall as soon as is reasonably practicable notify—
 - (a) the formerly registered society, and
 - (b) the Commission.